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Attorney

41,733

Reg. No.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicant : Aldridge et al.
Serial No. : 10/749,758
Filed : December 31, 2003
Title : HEIGHT ADJUSTABLE PROTECTIVE GARMENT
Docket : 529219-301
Examiner : Alissa L. Hoey
Art Unit : 3765

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This paper is filed in response to the Office action mailed on October 14, 2005.

The Office action indicates that the application includes claims directed to two distinct species of the claimed invention identified as follows:

I) plurality of adjusting strips (i.e., Figs. 1 and 3-7); and

II) closed loop adjusting strip (i.e., Figs. 8 and 9).

Claims 1, 24-26 and 39 are indicated to be generic, leaving claims 2-23, 27-38 and 40-43 as requiring election. In the event no generic claim is found to be allowable, the applicant elects to pursue the species of Invention I), including claims 2-23, 31-38 and 40-43.

In addition, it is submitted that claims 31-36 are generic on the basis that those claims now depend from claim 26 (and previously depended from claim 25, both of which are generic) and do not include any limitations distinguishing between the Inventions I) and II).

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At paragraph 2 of the Office action, it is noted that further election is required if Invention I) is elected. In particular, the Office action requires election between: a) adjusting strip with retaining loop (i.e., Figs. 1 and 3-5); and b) adjusting strip attached directly to the outer shell by a line of stitching (i.e., Figs. 6 and 7). In the event no generic claim is found to be allowable, applicant elects to pursue Invention I)a) including claims 2-23, 31-38 and 40-43. In addition, it is submitted that claims 2-10, 14-23, 31-38 and 40-43 are generic between Inventions I)a) and I)b) on the basis that none of these claims specifically distinguish between Inventions I)a) and I)b).

A Preliminary Amendment accompanies this response. The Preliminary Amendment corrects several typographical errors in the claims and adds new claims 44-47. New claims 44 and 46 are submitted to be generic with respect to Inventions I) and II). New claims 45 and 47 are submitted to correspond to Invention I), and are submitted to be generic with respect to Inventions I)a) and I)b).

In the event the Examiner wishes to discuss any aspect of this response, please contact the undersigned at the telephone number indicated below.

The Commissioner is hereby authorized to charge any additional fees required, including the fee for an extension of time, or to credit any overpayment to Deposit Account 20-0809. The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

Respectfully submitted,



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